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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Richard Seeborg, Judge

ANIBAL RODRIGUEZ, et al.,)
individually and on behalf of)
all others similarly situated,)

Plaintiffs,)

VS.)

NO. 3:20-CV-04688 RS

GOOGLE LLC,)

Defendant.)

San Francisco, California
Wednesday, August 27, 2025

TRANSCRIPT OF JURY TRIAL PROCEEDINGS

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CSR No. 7445, Official United States Reporter

1 Can you just explain sort of the general purpose of this
2 slideshow?

3 A. This is to communicate the -- how Google Analytics for
4 Firebase and Google Ads can work together.

5 Q. And so what is the mission of Google Analytics for
6 Firebase and Google Ads working together?

7 A. Our mission is to help developers build better apps and a
8 more successful business.

9 Q. Now, you didn't write this slide -- well, first of all,
10 did you author this slide?

11 A. No.

12 Q. Was this slide authored since this case was filed or
13 before?

14 A. Before.

15 Q. I want to show you Slides 34 and 35. These slides are
16 titled "Competitive Insights." The first one says "Strengths"
17 and the second one says "Weaknesses." Are you with me?

18 A. Yes.

19 Q. What is the --

20 MR. SANTACANA: And I do want to show, Brooklyn, if
21 you wouldn't mind, the full slides of both strengths and
22 weaknesses.

23 BY MR. SANTACANA:

24 Q. So for strengths, could you just read to the jury that top
25 set of bullets for Firebase's key strengths?

1 **A.** It's free and unlimited. It offers behavioral and
2 attribution analytics. It's easy to get started and to extend.
3 And customers own their data.

4 **Q.** I want to ask you why -- why is that last bullet point a
5 strength?

6 **A.** This differentiates Google Analytics from some of its
7 competitors. So, for example, Facebook Analytics, at the time,
8 they owned the data from their analytics product that their
9 developers used.

10 **Q.** And Google does not own the data that the app developers
11 send to Google?

12 **A.** No, it doesn't.

13 **Q.** How do you know that?

14 **A.** That's in our terms of service.

15 **Q.** Let's look at the weaknesses slide.

16 So these are competitive weaknesses of analytics in the
17 market?

18 **A.** Yes.

19 **Q.** So I want to ask you about the second bullet point on
20 Analytics for Firebase weaknesses. Can you just read that to
21 the jury?

22 **A.** [As read]:

23 "Facebook's identity graph is more readily
24 usable than ours."

25 **Q.** Can you just explain what that means?

1 **MS. AGNOLUCCI:** Objection, Your Honor. May we have a
2 sidebar?

3 **THE COURT:** Overruled. No.
4 Go ahead.

5 **THE WITNESS:** I'm sorry. I don't think I understand
6 the question.

7 **BY MS. BONN:**

8 **Q.** Do you recall that when asked at your deposition whether
9 Google's various progressive disclosures were clear or
10 ambiguous to users, your answer was that the only way for an
11 expert in your field to know that would be to conduct a
12 consumer research survey, which you had not done?

13 **A.** I do recall that, and that is in the context of Google
14 applying what I believe to be good UI design practices.

15 But Mr. Frawley said, "Well, at the end of the day, we
16 don't really know if consumers are confused or not, do we?"

17 And I have to agree that at the end of the day, if we want
18 to know if consumers are confused, for example, we would have
19 to conduct a survey. And I had not conducted that survey. But
20 I did opine that I thought the disclosures were user-friendly.

21 **MS. BONN:** I've just got about 30 seconds, and then
22 I think we'll be done with the witness, if that's okay,
23 Your Honor, rather than bring her back tomorrow. Less than
24 a minute.

25 **THE COURT:** It's not 1:30 yet. Ask the question.

1 **MS. BONN:** Perfect. Thank you.

2 **BY MS. BONN:**

3 **Q.** Ma'am, Google hired you in this case and paid you 950 to
4 1200 dollars an hour, and your expertise, in part, is in
5 conducting such user surveys; correct?

6 **A.** That's one of my expertise. I have a number of related
7 ex- -- you know, expertises.

8 **Q.** Yet, you were not asked by Google to conduct such a study
9 of whether these progressive disclosures were clear or
10 ambiguous in this case; correct?

11 **A.** Well, I was hired as a rebuttal witness, and the person I
12 was rebutting did not conduct a survey, and so I did not
13 conduct an affirmative survey, and nor was I asked to because I
14 was rebutting someone else's opinions who himself had not
15 conducted a survey.

16 **Q.** Okay. And, ma'am, you talked a little bit on your exam
17 about how everybody can have different privacy preferences;
18 correct?

19 **A.** Well, I said people have different privacy pref- --
20 different people have different privacy preferences.

21 **Q.** One thing that all of the adults in this class have in
22 common is that they revealed a preference by turning the SWAA
23 button from the default on state to off; correct?

24 **A.** Yes, that's my understanding.

25 **MS. BONN:** That's it. Thank you.